

2681



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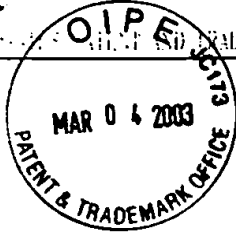
<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/040,535	
	Filing Date	December 28, 2001	
	First Named Inventor	Nigel J. Tolson	
	Group Art Unit	2681	
	Examiner Name	Kinkead, A.	
Total Number of Pages in This Submission	7	Attorney Docket Number	034942-268

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input checked="" type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Declaration and Consent of Assignee; Statement under 37 CFR 3.73(b); copy of Decision According Status Under 37 CFR 1.47(b); Change of Attorney Docket Number and Change of Address Notice
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Robert E. Krebs, Esq., Reg. No. 25,885 - Thelton Reid & Priest LLP
Signature	
Date	Feb 24, 2003

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: Feb. 25, 2003	
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OFFICE OF PETITIONS

In re Application of :  
Nigel J. Tolson :  
Application No. 10/040,535 : DECISION ACCORDING STATUS  
Filed: 28 December, 2001 : UNDER 37 CFR 1.47(b)  
Attorney Docket No. 111228TWT.US :

This is in response to the renewed petition filed by facsimile on  
12 August, 2002, under 37 CFR 1.47(b).

The petition is GRANTED.

Petitioner has shown, via the declaration of registered patent  
attorney Michael J. Ure, that a copy of the application was sent  
via E-mail to the non-signing inventor. The inventor, however,  
failed to sign and return the declaration naming him as the sole  
inventor. Additionally, petitioners have shown proprietary  
interest by providing a copy of the employment agreement between  
the non-signing inventor and Rule 47(b) applicant. Lastly,  
petitioner has submitted a declaration in compliance with 37 CFR  
1.63 and 1.64 and has demonstrated that such action is necessary  
to prevent irreparable damage.

This application and papers have been reviewed and found in  
compliance with 37 CFR 1.47(b). This application is hereby  
accorded Rule 1.47(b) status.

As provided in Rule 1.47(c), this Office will forward notice of  
this application's filing to the non-signing inventor. Notice of  
the filing of this application will also be published in the  
Official Gazette.

The application file is being forwarded to Technology Center 2600  
for examination in due course.

CPI

Excel

Application No. 10/040,535

2

Telephone inquiries regarding this communication should be directed to the undersigned at 703.308.6918.

*D. Wood*

Douglas I. Wood  
Senior Petitions Attorney  
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for Patent Examination Policy